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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

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THE UNITED STATES DISTRICT COURT
N.D. OF ALABAMA

KENNETH BURKHART,)
Petitioner,)
v.) CIVIL ACTION NO. 04-PT-1164-NE
WARDEN JAMES DELOACH and)
THE ATTORNEY GENERAL OF)
THE STATE OF ALABAMA,)
Respondents.)

ENTERED

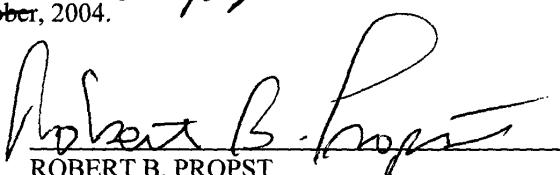
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MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed with prejudice.

An appropriate order will be entered.

DONE, this 2nd day of November, 2004.


ROBERT B. PROBST
SENIOR UNITED STATES DISTRICT JUDGE

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